

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS HERLIHY

Plaintiff,

Civil Action No. 2-19-cv-1283-AB

VS.

AFAB INDUSTRIAL SERVICES, INC.,

RUFFIN SOILS, INC., and

EVERETT L. FARR, III

**Defendants.**

## ORDER

AND NOW, this            day of            , 2021, upon consideration of the MOTION OF DEFENDANTS' TO COMPEL DISCOVERY RESPONSES BY THE PRODUCTION OF DOCUMENTS ("Motion"), and the Plaintiff's RESPONSE, it is ORDERED:

1. That the Motion is granted,
2. That Plaintiff, Thomas Herlihy (“Plaintiff”) shall deliver to Defendants, within twenty (20) days from the date of this Order, the following documents as identified in Defendants’ FIRST REQUEST FOR PRODUCTION OF DOCUMENTS OF AFAB INDUSTRIAL SERVICES INC., RUFFIN SOILS, INC., AND EVERETT L. FARR, III. (“Defendants’ First Discovery Request”):

6. “all documents and electronically-stored information identifying Ruffin’s place of business.”

9. “ all documents all documents and electronically-stored information identifying Plaintiff as an employee of Ruffin.”

10. “all documents and electronically-stored information identifying Plaintiff as an employee of Farr.”

18. "all documents including IRS Forms W-2 and 1099 evidencing Herlihy's employment during the period January 1, 2015 through December 31, 2018."

19. "all documents evidencing Herlihy's proprietary interest as a proprietor, partner, limited partner, shareholder, equity owner, or investor in any business during the period January 1, 2015 through December 31, 2018."

20. "all documents identifying Herlihy's calendar schedule for the period January 1, 2018 through December 31, 2018 ..."

...

26. "all documents identifying expenses for which Herlihy requested reimbursement from AFAB."

27. "all documents consisting of all Herlihy federal income tax returns for 2016, 2017 and 2018."

28. "all documents identifying Herlihy's relationship with RT Solutions LLC during the years 2016, 2017 and 2018."

29. "all documents identifying any dispute between Herlihy and RT Solutions LLC."

30. "all documents identifying any litigation between Herlihy and RT Solutions LLC."

...

32. "all documents identifying any settlement agreements between Herlihy and RT Solutions [LLC]."

33. "all documents identifying any cash or other consideration between Herlihy and RT Solutions LLC."

34. "all documents identifying any business relationship between Herlihy and any third party other than AFAB which relationship was created after January 1, 2018, including any and all businesses related to soil production with or without worm castings."

...

37. "all documents identifying equipment to be purchased and purchased for the Soil Production Project at Brophy Ranch selected by Herlihy."

...

44. "all documents prepared by Herlihy which consists of pro forma financial statements for the Soil Production Project which identify the production schedule and sales program for the products to be created in the Soil production Project, including forecasts for the recovery of all costs (including but not limited to land preparation, barn (sic) building, equipment acquisition, equipment installation, soil purchase, packaging materials, shipping and delivery costs, and labor costs)."

45. "all documents prepared by Herlihy explaining the reasoning for termination of the Soil Production Project."

3. That failure to abide by the terms of this Order may cause Plaintiff to suffer sanctions as may be appropriate and imposed by the Court.

FOR THE COURT

ANITA B. BRODY  
Judge, U. S. District Court

Copies distributed to Counsel of Record